

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ERIC THOMAS BEY, # 137013,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05-CV-605-F
)	
LARRY LIGON, et al.,)	
)	
Defendants.)	

ANSWER

Comes now the Defendants, Ligon, Babers, and Nettles, by and through undersigned counsel, and file this answer in the above-styled case stating as follows:

1. The Defendants deny each and every allegation of Plaintiff's complaint.

DEFENSES AND AFFIRMATIVE DEFENSES

The Plaintiff has failed to identify a federal right.

The Plaintiff has failed to state a cause of action against them for which relief can be granted.

The Plaintiff's claim does not state a cause of action that can be maintained under 42 U.S.C. § 1983.

The Plaintiff's claim under 42 U.S.C. § 1983 against the Defendants is partially based upon the theory of Respondeat Superior and cannot be maintained under 42 U.S.C. § 1983.

The Defendants are entitled to qualified and/or good faith immunity for the allegations contained in the Plaintiff's complaint under 42 U.S.C. § 1983.

The Defendants are entitled to absolute immunity for all claims against them in their official capacity.

The Defendants were at all times acting and using their discretionary authority.

The Plaintiff has failed to sufficiently allege a constitutional violation occurred.

This action is barred under the Prison Litigation Reform Act.

THE DEFENDANTS DEMAND TRIAL BY A STRUCK JURY.

Respectfully submitted,



Kim Thomas (THO115)
General Counsel
Deputy Attorney General

ADDRESS OF COUNSEL:

Alabama Department of Corrections
Legal Division
Post Office Box 301501
Montgomery, Alabama 36130
(334) 353-3888

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading upon

Inmate Eric Thomas-Bey
AIS #137013
Bullock Correctional Facility
Post Office Box 5107
Union Springs, Alabama 36089-5107

by placing same in the United States Mail, first class postage prepaid, and properly addressed this the 23rd day of August 2005.



Kim Thomas